



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243**

APR 05 2012

Mr. Andy Holt
A & E Livestock
461 Jewell Store Rd
Dresden, TN 38225

CERTIFIED MAIL
7006 0810 0000 1064 2582

**Subject: Permit Tracking No. SOPCD0007
Andy Holt
Dresden, Weakley County, Tennessee**

Dear Mr. Holt:

The Division of Water Pollution Control (division) received your CAFO notice of intent (NOI) on June 2, 2011, and has assigned permit tracking number SOPCD0007. Assigning a permit tracking number by the division does not confirm or imply an authorization to operate under this permit.

Along with your NOI you submitted a note that stated that your nutrient management plan (NMP) was in the process of being completed and that it would "be returned to the Permit Section of TDEC and TDA by mail with a post-mark no later than Monday June 6, 2011 to complement the other required documents associated with the Notice of Intent." To date neither the Tennessee Department of Agriculture (TDA) nor the division have received your NMP. TDEC Rule 1200-04-05-.14(6)(b) requires that in addition to an NOI, CAFOs must submit a closure/rehabilitation plan for the waste system storage/treatment structure(s) and an NMP. In a letter regarding a compliance inspection from the division's Jackson Environmental Field Office (EFO), dated March 31, 2011, you were instructed to submit a NOI, a site-specific NMP, and a closure/rehabilitation plan for the waste system storage/treatment structures by June 1, 2011. Until these items are submitted, your application is processed, and a notice of coverage (NOC) is issued, this operation does not have permit coverage in accordance with the Tennessee Water Quality Control Act and you are not authorized to discharge under any circumstances.

The division hereby places you on notice that you are in violation of the Tennessee Water Quality Control Act. TDEC Rule 1200-04-05-.05(5) states, "*For facilities eligible for coverage under any state-issued general permit, notices of intent must be submitted in accordance with timeframes established in the applicable general permit.*" Section 2.1.1 of the General State Operating Permit for Class II Concentrated Animal Feeding Operations (CAFOs), Permit Number SOPCD0000, requires that "*Existing operations, including those that were covered under the General NPDES Permit for Class II Concentrated Animal Feeding Operation (permit number TNA000000), that meet the definition of a Class II CAFO and that discharge or that are designed, constructed, operated or maintained such that a discharge could occur must seek coverage under this permit per the application requirements of subpart 1.6 above. Applications must be submitted not more than one year following the effective date of this permit.*"

A site-specific NMP and a closure/rehabilitation plan that meet the requirements of the CAFO general permit, permit number SOPCD0000, must be submitted to this office by May 4, 2012.

If you have questions, please contact the Jackson Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Ms. Erin O'Brien at (615) 253-2245 or by E-mail at Erin.O'Brien@tn.gov.

Sincerely,

A handwritten signature in black ink that reads "Wade Murphy" followed by a stylized flourish or initials.

Vojin Janjić
Manager, Permit Section
Division of Water Pollution Control

P/WAT-3
Enclosure

cc: Permit Section File
WPC Enforcement and Compliance Section
Jackson Environmental Field Office (Jack.Wade@tn.gov)
Dr. Sam Marshall, TDA, Sam.Marshall@tn.gov